



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

**PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT**

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)233-9435  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

December 22, 2015

Mr. Joe Lawless  
1796 North County Road 250 West  
Greencastle, Indiana 46135

*Re: Formal Complaint 15-FC-307; Alleged Violation of the Access to Public Records Act by the Putnam County Convention and Visitor Bureau*

Dear Mr. Lawless:

This advisory opinion is in response to your formal complaint alleging the Putnam County Convention and Visitor Bureau ("Bureau") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Bureau has responded to your complaint via Mr. Rick Patel, President. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on November 16, 2015.

## **BACKGROUND**

Your complaint dated November 9, 2015 alleges the Putnam County Convention and Visitor Bureau ("Bureau") violated the Access to Public Records Act by failing to provide the records you requested.

On October 30, 2015 you requested the approved and unapproved minutes for all meetings of the Bureau in September and October 2015. As of the filing of your formal complaint you had not received an acknowledgment of your request.

On December 1, 2015 the Bureau responded. It notes that it received your request, however; it was misplaced. It has since provided you the information and has corrected the issue going forward by creating a website for the purpose of access.

## **ANALYSIS**

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind.



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Code § 5-14-3-1. The Putnam County Convention and Visitor Bureau is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Bureau's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

The Bureau has stated it misplaced your request. This is why the Bureau failed to acknowledge your request. While this does not appear to be an intentional violation of the APRA, a failure to acknowledge due to error is a violation regardless of intent. It appears as if the Bureau is taking steps to rectify this problem, including an online repository for meeting minutes and has since provided you with the records you requested.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Putnam County Convention and Visitor Bureau has violated the Access to Public Records Act, although it has made a good faith effort to rectify the issue and prevent future violations.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

**Luke H. Britt**  
Public Access Counselor

Cc: Mr. Rick Patel, President